

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9  
W. L. Lauer  
1/31/03

**Prior Application:**

Serial No.: 09/054,864                      Group No.: 2611  
Filed: April 3, 1998                      Examiner: Hai V. Tran  
For: A Packet Protocol For Encoding And Decoding Video Data  
And Data Flow Signals And Devices For Implementing The  
Packet Protocol  
Inventors: Frink *et al.*  
Docket No.: A1998012

Assistant Commissioner for Patents  
BOX CPA  
Washington, D.C. 20231

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**REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)  
TRANSMITTAL**

This is a request for a Continued Prosecution Application (CPA) of prior application number 09/054,864, filed on April 3, 1998, entitled: A Packet Protocol For Encoding And Decoding Video Data And Data Flow Signals And Devices For Implementing The Packet Protocol. Please enter the reply filed herewith under 37 CFR 1.116 in the prior nonprovisional application.

**Claims**

Number Filed	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$750.00
Total Claims      5 - 20	0      x	\$18.00	00
Independent Claims              1 - 3	0      x	\$84.00	.00
Multiple Dependent Claims	x	.00	.00
<b>TOTAL FEE</b>			<b><u>\$750.00</u></b>

Please charge **Deposit Account No. 50-0876** in the amount of **\$750.00** filing fee. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to said Deposit Account. A duplicate copy of the sheet is enclosed. Also enclosed is a return receipt postcard.

Please direct all future correspondence regarding this application to:

Customer Number: 26643



26643

PATENT TRADEMARK OFFICE

Respectfully submitted,

Peter J. Gordon  
Attorney for Applicant  
Registration No. 35,164  
Avid Technology, Inc.  
One Park West  
Tewksbury, MA 01876  
Tel: 978-640-3011

Dated: January 24, 2003

EXPRESS MAILING LABEL NO.: ET852160092US



ATTORNEY'S DOCKET NO: A1998012

#10  
W. Layman  
1/31/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: FRINK et al.  
Serial No: 09/054,864  
Filed: April 3, 1998  
For: A PACKET PROTOCOL FOR ENCODING AND DECODING VIDEO DATA  
AND DATA FLOW SIGNALS AND DEVICES FOR IMPLEMENTING THE  
PACKET PROTOCOL

Examiner: Hai V. Tran  
Art Unit: 2611

Assistant Commissioner for Patents  
Washington, D.C. 20231

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REPLY

Sir:

In reply to the Office Action mailed October 24, 2002, and in view of the following remarks, reconsideration is requested. Claims 5, 7, 8, 17 and 18 remain in the application of which claim 5 is independent.

The Examiner is respectfully requested to change the attorney docket number to A1998012.

Rejection under 35 U.S.C. 103

Claims 5, 7, 8, 17 and 18 were rejected under 35 U.S.C. §103 in view of U.S. Patent 5,799,150 (Hamilton) and U.S. Patent 6,105,083 (Kurtze).

Under 35 U.S.C. §103(c), Kurtze is not available as a reference because:

- A. it is only prior art to the present application under 35 U.S.C. §102(e) or (f) or (g); and
- B. the subject matter of Kurtze and the claimed invention in this application were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely Avid Technology, Inc.

Kurtze's filing date is June 20, 1997, and issued on August 15, 2000, whereas this application was filed April 3, 1998, making Kurtze available as a reference only under 35 U.S.C. §102(e), (f) or (g) and not (a), (b), (c) or (d).

An assignment of Kurtze to Avid Technology, Inc., is recorded at Reel 9231, Frame 0647. At the time the claimed invention in this application was made, Craig Frink and Andrew Hoar were employees of Avid Technology, Inc., subject to an employment agreement with an obligation to assign all rights in this invention to Avid Technology, Inc. Such an assignment was recorded at Reel 9199, Frame 0560.

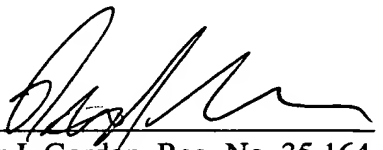
Accordingly, the rejection is traversed.

### CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0876.

Respectfully submitted,

By:   
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Date: January 24, 2003  
Docket Number: A1998012  
EXPRESS MAILING LABEL NO.: ET852160092US



01-27-03

BPA/2780/

ATTORNEY'S DOCKET NO: A1998012

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IMPLEMENTING THE PACKET PROTOCOL  
Examiner: Hai V. Tran  
Art Unit: 2611

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the above patent application is a Request for Continued Prosecution Application (CPA) and a Reply to the Office Action mailed October 24, 2002.

Please charge **Deposit Account No. 50-0876** in the amount of **\$750.00** CPA filing fee. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to said Deposit Account. A duplicate copy of the sheet in enclosed.

Respectfully submitted,

Peter J. Gordon  
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Dated: January 24, 2003

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